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*Class Counsel for Lead Plaintiffs and Class
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Class*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

JULIA JUNGE and RICHARD JUNGE, on
behalf of themselves and a class of similarly
situated investors,

Plaintiffs,

v.

GERON CORPORATION and JOHN A.
SCARLETT,

Defendants.

Case No.: 3:20-cv-00547-WHA

CLASS ACTION

(Consolidated with Case No. 3:20-cv-01163-
WHA; Related to Case No. 3:22-mc-80051-
WHA)

**NOTICE OF SETTLEMENT; JOINT
STIPULATION AND [PROPOSED]
ORDER FOR CONTINUANCE OF
CERTAIN DEADLINES IN ORDER ON
MOTION GRANTING LEAD
PLAINTIFFS' MOTION TO EXTEND
DISCLOSURE AND DISCOVERY
DEADLINES [ECF NO. 238]**

1 The parties to the above-captioned action (the “Parties” and the “Action,” respectively), in
2 good faith, submit the below stipulation and proposed order pursuant to Civil L.R. 6-2 for review
3 and approval by the Court:

4 WHEREAS, on May 31, 2022, the Parties participated in an extensive and arms’ length
5 Settlement Conference before the Honorable Magistrate Judge Donna M. Ryu (“Magistrate Ryu”);

6 WHEREAS, on July 24, 2022, the Court issued an Order Granting Lead Plaintiffs’ Motion
7 to Extend Disclosure and Discovery Deadlines in the June 28, 2022 Amended Scheduling Order
8 [ECF No. 238] (“Scheduling Order”), which set forth a case schedule for the Action;

9 WHEREAS, on August 12, 2022, the Parties participated in a second extensive and arms’
10 length Settlement Conference before Magistrate Ryu, and after substantial negotiation, were able
11 to reach agreement on financial terms of a proposed agreement to resolve the Action;

12 WHEREAS, on August 12, 2022, Magistrate Ryu indicated in a Minute Entry on the docket
13 in the Action that the Parties would seek to enter a Memorandum of Understanding (“MOU”) not
14 later than August 19, 2022;

15 WHEREAS, on August 19, 2022, the Parties entered into an MOU to document the
16 settlement in principle of the Action (the “Proposed Settlement”);

17 WHEREAS the Proposed Settlement was reached only after two extensive and arms’ length
18 Settlement Conferences before Magistrate Ryu, including extensive submission of confidential
19 mediation statements on each occasion;

20 WHEREAS, the Parties are proceeding to further document the Proposed Settlement in a
21 formal Stipulation of Settlement and Lead Plaintiffs anticipate filing a preliminary approval motion
22 on or before September 6, 2022;

23 WHEREAS, the current Scheduling Order set the last date for designation of expert
24 testimony and disclosure of full expert reports under FRCP 26(a)(2) as to any issue on which a
25 party has the burden of proof (“Opening Reports”) as September 9, 2022, and set September 23,
26 2022 as the deadline for other parties to disclose any expert reports on the same issue (“Opposition
27 Reports”). The Scheduling Order further set September 30, 2022 as the date on which the party
28 with the burden of proof must disclose any reply reports rebutting specific material in opposition

1 reports (the “Rebuttal Reports”). As defined herein, these three deadlines (September 9,
2 September 23 and September 30, 2022) are the “Expert Report Deadlines.”

3 WHEREAS, the Scheduling Order set October 14, 2022 as the cutoff for all expert
4 discovery (the “Expert Discovery Deadline”);

5 WHEREAS, in addition to the Scheduling Order, the Court has permitted the deposition of
6 Geron Corporation employee Neeru Batra (“Batra”) to occur, due to her ongoing maternity leave,
7 after the March 18, 2022 fact discovery cut-off in stipulated orders set forth in ECF Nos. 162, 223
8 and 241, with the current stipulated and ordered date for Ms. Batra’s deposition set for September 7,
9 2022;

10 WHEREAS, Batra is represented by Cooley LLP (“Cooley”) for purposes of her deposition
11 in this Action, and Cooley has authority to agree to continue Batra’s deposition to a date to be reset
12 and re-noticed to occur not later than ten (10) days before any further continued date for Opening
13 Reports;

14 WHEREAS the Parties seek a continuance of sixty (60) days of the Expert Report Deadlines
15 and the Expert Discovery Deadline in the current Scheduling Order, as well as an extension of the
16 date for Batra’s deposition, to conserve resources and permit the Parties to focus on documenting
17 the Stipulation of Settlement and seeking preliminary approval; and

18 WHEREAS, the Court has previously granted three prior continuances of deadlines set in
19 this Action, as set forth in ECF Nos. 139, 195, 231 and 238, accordingly the continuance requested
20 herein would be the fourth continuance of certain deadlines in the case schedule in the Action;

21 Accordingly, the Parties stipulate, and request that the Court order, as follows:

22 1. The Expert Report Deadlines are continued for a period of sixty (60) days as
23 follows: Opening Reports due November 8, 2022; Opposition Reports due November 22, 2022;
24 Rebuttal Reports due November 29, 2022.

25 2. The Expert Discovery Deadline is continued for a period of sixty (60) days to
26 December 13, 2022.

27 3. The Batra Deposition shall be reset and re-noticed for a date not later than ten (10)
28 days prior to the new deadline for Opening Reports.

4. The Parties shall submit a status report to the Court not later than September 6, 2022 in the event a Motion for Preliminary Approval of the Proposed Settlement is not filed on or before that date.

5. Upon filing the Motion for Preliminary Approval, the Parties may apply to the Court for further relief from the Expert Report Deadlines, Expert Discovery Deadline, and the deadline for the Batra Deposition. In addition, upon filing the Motion for Preliminary Approval, the Parties may apply to the Court for relief from the other deadlines set forth in the current Scheduling Order, including the currently scheduled January 17, 2023 trial date.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

COOLEY LLP

DATED: August 22, 2022

By: /s/ Ryan E. Blair
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KAPLAN FOX & KILSHEIMER LLP

DATED: August 22, 2022

By: /s/ Jeffrey P. Campisi
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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Jeffrey P. Campisi, attest that concurrence in the filing of this document has been obtained from the other signatory. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 22nd day of August 2022, at New York, New York.

By: /s/ Jeffrey P. Campisi
Jeffrey P. Campisi

[PROPOSED] ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Dated: _____, 2022

The Honorable Judge William Alsup
United States District Judge